



WATERTOWN POLICE DEPARTMENT

Bureau Administrative Services

552 Main Street, Watertown, MA. 02472

Telephone (617) 972-6537



Record Request Response Letter

To: Andrew Stanton – Muckrock News Dept MR 63018 411A Highland Ave Somerville, MA 02144

Date: 11-7-18

- ☐ The department has no documents responsive to the request
- ☐ Good faith estimate for departmental records: Total Cost. \$ _____
- Audio/video/telecommunications \$ _____
 - Paper Records \$ _____
 - Search, Segregation, Review, Redacting, and Copying \$ _____
 - If payment is not received ten days after providing such good faith estimate, we will close the request without any action. No personal checks accepted.
- ☐ The department does not compile such statistics, nor do we have a mechanism or volume to produce such statistics. According to the Massachusetts Public Records Law public entities are not required to produce records that they do not already have in possession.
- ☒ Pursuant to the provisions of G.L. c. 4, sec. 7, cl. 26, the department is withholding mandatory release of requested record(s) based on the following exemption(s).
- ☐ Exemption (a) *specifically or by necessary implication exempted from disclosure by statute*
 - ☒ Exemption (b) *related solely to internal personnel rules and practices of the government unit, provided however, that such records shall be withheld only to the extent that proper performance of necessary governmental functions requires such withholding*
 - ☐ Exemption (c) *personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy*
 - ☐ Exemption (d) *inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the agency; but this sub clause shall not apply to reasonably completed factual studies or reports on which the development of such policy positions has been or may be based.*
 - ☐ Exemption (e) *notebooks and other materials prepared by an employee of the commonwealth which are personal to him and not maintained as part of the files of the governmental unit*
 - ☐ Exemption (f) *law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest.*
 - ☐ Exemption (j) *the names and addresses of any persons contained in, or referred to in, any applications for any licenses to carry or possess firearms issued pursuant to chapter one hundred and forty or any firearms identification cards issued pursuant to said chapter one hundred and forty and the names and addresses on sales or transfers of any firearms, rifles, shotguns, or machine guns or ammunition therefore, as defined in said chapter one hundred and forty and the names and addresses on said licenses or cards*



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☒ Exemption (n) *procedures and schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, or any other records relating to the security or safety of persons or buildings, structures, facilities, utilities, transportation or other infrastructure located within the commonwealth, the disclosure of which, in the reasonable judgment of the record custodian, subject to review by the supervisor of public records under subsection (b) of section 10 of chapter 66, is likely to jeopardize public safety*

☐ Exemption (o) *judicial branch, an unelected employee of the general court, an agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of a political subdivision thereof or of an authority established by the general court to serve a public purpose, in the custody of a government agency which maintains records identifying persons as falling within those categories; provided that the information may be disclosed to an employee organization under chapter 150E, a nonprofit organization for retired public employees under chapter 180, or a criminal justice agency as defined in section 167 of chapter 6*

☐ Exemption (p) *the name, home address and home telephone number of a family member of a commonwealth employee, contained in a record in the custody of a government agency which maintains records identifying persons as falling within the categories listed in sub clause*

Please be aware that, pursuant to M.G.L. Chapter 66, you may appeal this response to the Supervisor of Public Records or directly to the Superior Court.

Additional Notes:

Fax Request 10/30/18

- Any list, databases and inventory rosters containing weapons used by officers (i.e., firearms, tasers, batons, etc.)

Attached please find two previous requests with our responses dated, 09/7/16 and 10/17/13 pertaining to similar request in the past. Denial of this request is based on the same exemption.

Sincerely,

Thomas Rocca
Captain



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Record Request Response Letter

To: Dan Brown C/O Muckrock Dept MR 28061 411A Highland Ave. Somerville, MA 02144

Date: 09/7/2016

- ☐ The department has no documents responsive to the request
- ☐ Good faith estimate for departmental records: Total Cost. \$ _____
- Audio/video/telecommunications \$ _____
 - Paper Records \$ _____
 - Search, Segregation, Review, Redacting, and Copying \$ _____
 - If payment is not received ten days after providing such good faith estimate, we will close the request without any action. No personal checks accepted.
- ☐ The department does not compile such statistics, nor do we have a mechanism or volume to produce such statistics. According to the Massachusetts Public Records Law public entities are not required to produce records that they do not already have in possession.
- ☒ Pursuant to the provisions of G.L. c. 4, sec. 7, cl. 26, the department is withholding mandatory release of requested record(s) based on the following exemption(s).
- ☐ Exemption (a) *specifically or by necessary implication exempted from disclosure by statute*
 - ☒ Exemption (b) *related solely to internal personnel rules and practices of the government unit, provided however, that such records shall be withheld only to the extent that proper performance of necessary governmental functions requires such withholding*
 - ☐ Exemption (c) *personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy*
 - ☐ Exemption (d) *inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the agency; but this sub clause shall not apply to reasonably completed factual studies or reports on which the development of such policy positions has been or may be based.*
 - ☐ Exemption (e) *notebooks and other materials prepared by an employee of the commonwealth which are personal to him and not maintained as part of the files of the governmental unit*
 - ☐ Exemption (f) *law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest.*
 - ☐ Exemption (j) *the names and addresses of any persons contained in, or referred to in, any applications for any licenses to carry or possess firearms issued pursuant to chapter one hundred and forty or any firearms identification cards issued pursuant to said chapter one hundred and forty and the names and addresses on sales or transfers of any firearms, rifles, shotguns, or machine guns or ammunition therefore, as defined in said chapter one hundred and forty and the names and addresses on said licenses or cards*



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- ☒ Exemption (n) *procedures and schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, or any other records relating to the security or safety of persons or buildings, structures, facilities, utilities, transportation or other infrastructure located within the commonwealth, the disclosure of which, in the reasonable judgment of the record custodian, subject to review by the supervisor of public records under subsection (b) of section 10 of chapter 66, is likely to jeopardize public safety*
- ☐ Exemption (o) *judicial branch, an unelected employee of the general court, an agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of a political subdivision thereof or of an authority established by the general court to serve a public purpose, in the custody of a government agency which maintains records identifying persons as falling within those categories; provided that the information may be disclosed to an employee organization under chapter 150E, a nonprofit organization for retired public employees under chapter 180, or a criminal justice agency as defined in section 167 of chapter 6*
- ☐ Exemption (p) *the name, home address and home telephone number of a family member of a commonwealth employee, contained in a record in the custody of a government agency which maintains records identifying persons as falling within the categories listed in sub clause*

Please be aware that, pursuant to 950 CMR 32.08, you may appeal this response to the Supervisor of Public Records within 90 days of the denial.

Additional Notes:

Record Request:

Fax dated 9/1/16

- *Any lists, databases and inventory rosters containing weapons used by officers (i.e., firearms, tasers, batons, etc).*
- *All records pertaining to the weapons that may be carried by officers as determined by the chief of police, or the board, or officer having control of the police under the authority granted in M.G.L. ch 41, ss98*
- *All records pertaining to the most recent audit of firearms owned by the department.*

Attached, please find a letter dated 10/17/2013 from the police department to your organization referencing a similar request. Nothing has changed from that previous request and our denial of records is based on the same exemptions.

Sincerely,

Thomas Rocca
Captain



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October 17, 2013

Muckrock News
George Levines
Dept MR 5122
PO Box 55819
Boston, MA 02205-5819

Dear Mr. LeVines,

You requested the following records:

Any lists, databases and inventory rosters containing equipment used in the field of duty (i.e., firearms, protective gear, surveillance equipment, tactical and defense equipment, vehicles, etc).

Pursuant to the provisions of G.L. c. 4, sec. 7, cl. 26, records are exempt from mandatory disclosure if they are "(b) related solely to internal personnel rules and practices of the government unit, provided however, that such records shall be withheld only to the extent that proper performance of necessary governmental functions requires such withholding" or "(n) records, including, but not limited to, blueprints, plans, policies, procedures and schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, or any other records relating to the security or safety of persons or buildings, structures, facilities, utilities, transportation or other infrastructure located within the commonwealth, the disclosure of which, in the reasonable judgment of the record custodian, subject to review by the supervisor of public records under subsection (b) of section 10 of chapter 66, is likely to jeopardize public safety." The materials you request regarding "lists, databases and inventory rosters containing equipment used in the field of duty" clearly relate to personnel rules and practices with respect to the issuance and use of security and public safety equipment, the disclosure of which would jeopardize the proper performance of the necessary governmental function of insuring public safety. The requested materials also relate to security measures and emergency preparedness of the Town, and the disclosure of those materials would undermine the security and safety of the Town and its citizens. . Please be aware that, pursuant to 950 CMR 32.08, you may appeal this response to the Supervisor of Public Records within 90 days of the denial.

Sincerely,

Thomas Rocca
Captain